

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

NYERERE C. ELLIS and
VENITA TSOULOGIANNIS
Plaintiffs

CIVIL ACTION NO:

versus

JUDGE:

MICHAEL JAMES BRYANT,
NDJ TRUCKING, INC. and
NATIONAL INDEMNITY COMPANY
Defendants

MAGISTRATE

COMPLAINT

Plaintiffs, Nyerere C. Ellis and Venita Tsoulogiannis, by and through their undersigned attorney, appear herein to file their Complaint against Defendants, Michael James Bryant, NDJ Trucking, Inc. and National Indemnity Company, and further allege as follows:

PARTIES

1.

Plaintiff, Nyerere C. Ellis, is an adult of the full age of majority who resides at 5614 Fair Creek Way in Lithonia, Georgia.

2.

Plaintiff, Venita Tsoulogiannis, is an adult of the full age of majority who resides at 3605 Beacon Court in Ellenwood, Georgia.

3.

Defendant, Michael James Bryant, is an adult of the full age of majority who resides at 580 Crockett in Livingston, Alabama.

4.

Defendant, NDJ Trucking, Inc., is a corporation incorporated under the laws of the State of Ohio and having its principal place of business at 9459 Ketch Road in Plain City, Ohio.

5.

Defendant, National Indemnity Company, is an insurance company authorized to do and actually doing business in the State of Louisiana, and at all times pertinent hereto, was the liability insurer for Defendants, Michael James Bryant and NDJ Trucking, Inc.

JURISDICTION AND VENUE

6.

This Court has jurisdiction over this action because the Plaintiffs are citizens of the State of Georgia, and Defendant, Michael James Bryant is a citizen of the State of Alabama, and Defendant, NDJ Trucking, Inc., is an Ohio corporation. The matter in controversy exceeds, exclusive of interest and costs, the sum specified by 28 U.S.C. 1332.

7.

Venue is proper in this Court pursuant to 28 U.S.C. 1391, because the conduct, acts and/or omissions upon which this action is based occurred in Richland Parish, Louisiana, which is within the territorial limits of this Court.

FACTS

8.

This is an action for monetary damages against Defendants, Michael James Bryant, NDJ Trucking, Inc., and National Indemnity Company.

9.

On or about the 29th day of December, 2015, at approximately 7:30 o'clock p.m. CST, Plaintiffs had lawfully parked the 2013 International semi-truck with attached 2015 utility box trailer they had been driving, on the shoulder of the eastbound lane on Interstate 20 in the proximity of milepost 138.5 in Richland Parish, Louisiana.

10.

At the aforesaid date, time and location, Defendant, Michael James Bryant, was driving a 2003 Volvo semi-truck with attached 2015 utility box trailer eastbound in the right lane of Interstate 20, when suddenly and without warning, Defendant lost control of the vehicle, left the roadway and struck the Plaintiffs' vehicle, resulting in a severe and violent collision.

11.

At the time of the collision, the Plaintiffs were occupying the aforementioned truck and as a result of said accident, Plaintiffs were caused to sustain severe and painful injuries to their persons, all requiring medical treatment.

12.

At all times pertinent hereto, Defendant, Michael James Bryant, was acting within the course and scope of his employment with Defendant, NDJ Trucking, Inc.

COUNT I – NEGLIGENCE

13.

The above described accident and resulting damages were caused by the negligence of the Defendant, Michael James Bryant, including but not limited to the following illustrative acts of negligence:

- a) Failure to maintain control of his motor vehicle;

- b) Failure to maintain a proper lookout;
- c) Driving off the surface of the roadway;
- d) Failure to avoid striking another vehicle;
- e) Improper application of the brakes on his motor vehicle;
- f) Operating a motor vehicle in a careless and reckless manner;
- g) Failure to obey any and all applicable traffic rules of Richland Parish and the State of Louisiana, all of which are pled herein as if copied in extenso;
- h) Any and all acts or omissions constituting negligence which may appear at the trial of this matter.

14.

Plaintiffs aver that as a result of this accident they have incurred, and will continue to incur, expenses for medical treatment and a loss of earnings.

15.

Plaintiffs aver that they are entitled to such damages as are reasonable in the premises for the physical and mental anguish, embarrassment, pain and humiliation they have endured, and will continue to endure, as a direct and proximate result of the accident described herein.

JURY DEMAND

16.

Plaintiffs pray for trial by jury as to all issues so triable.

WHEREFORE, Plaintiffs respectfully request that Defendants be served with a certified copy of the Complaint and that after all legal delays and due proceedings are had that judgment be rendered in favor of Plaintiffs and against Defendants, jointly, severally and in solido for all

amounts recoverable under the law, as well as, penalties, attorney's fees and all costs of these proceedings, and for all other and further relief as this Honorable Court deems proper.

RESPECTFULLY SUBMITTED,



BY: _____

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